

United States District Court  
for  
the District of Nevada

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REQUEST FOR MODIFICATION  
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER  
*Probation Form 49 (Waiver of Hearing) is Attached*  
December 4, 2017

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Name of Offender: Cole Lusby

Case Number: 2:16CR00181

Name of Sentencing Judicial Officer: Honorable Andrew P. Gordon

Date of Original Sentence: October 18, 2016

Original Offense: Failure to Register as a Sex Offender

Original Sentence: 30 Months prison, followed by 96 Months TSR.

Date Supervision Commenced: January 27, 2018

Name of Assigned Judicial Officer: Honorable Andrew P. Gordon

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PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. Residential Reentry Center – You must reside in a residential reentry center for a term of 90 days. You must follow the rules and regulations of the center.

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CAUSE

On October 18, 2016, Your Honor Sentenced Lusby to 24 months and 7 days confinement in the Bureau of Prisons, followed by 8 years supervised release after Lusby plead guilty to one count of Failure to Register as a Sex Offender.

Currently, Lusby is detained in Tucson, Arizona and is approaching the expiration of his custody sentence. Lusby is not being afforded the opportunity to release to the Residential Re-Entry Center due to an outstanding warrant issued in Medford, Oregon. On December 4, 2017, the undersigned officer confirmed with the issuing authority that the warrant is only extraditable in the states of Oregon and Washington.

**RE: Cole Lusby**

Prob12B  
D/NV Form  
Rev. June 2014

At this time, Lusby does not have a residence in the District of Nevada. The probation office is recommending that Lusby's Conditions of Supervised Release be modified to include a 90 day placement at the Residential Re-Entry Center. Lusby was provided with a copy of the Probation Form 49 and has agreed to the modification at this time. A copy of the Probation Form 49 has been attached for Your Honor's review.

Respectfully submitted,



Shawn Mummey  
2017.12.04 15:06:24  
-08'00'

Shawn Mummey  
Senior United States Probation Officer

Approved:



Benjamin Johnson  
2017.12.04 14:54:26 -08'00'

Benjamin Johnson  
Supervising United States Probation Officer

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***THE COURT ORDERS***

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- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):  
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Signature of Judicial Officer

12/5/2017

Date

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**Residential Reentry Center** – You must reside in a residential reentry center for a term of 90 days. You must follow the rules and regulations of the center.

Witness E. Lara  
BOP Case Manager

Signed [Signature]  
Probationer or Supervised Releasee

11-30-2017  
Date